

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

I, _____ (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in _____ County on the _____ day of _____, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ *(used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).*

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service).*

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, *(used when the Defendant is not presently at place of abode)* and by mailing by first class mail to the Defendant at _____ *(insert Defendant's last known mailing address)* a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ *(insert Defendant's business address)* and by mailing the Summons and Complaint by first class mail to the Defendant at _____ *(insert Defendant's last known mailing address).*

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ *(used when Defendant is a minor or an incompetent person).*

☐ TO _____ *(name of person)*, _____, *(title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: _____

Signature of person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2014.

Notary Public

My Commission Expires:

EXHIBIT A

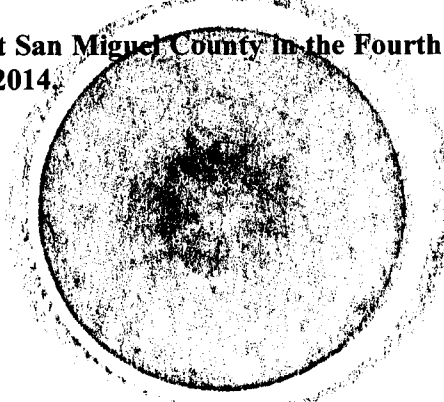
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: MOUNTAINVIEW REGIONAL MEDICAL CENTER Address: Mountainview Regional Medical Center C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.



CLERK OF THE DISTRICT COURT

By: 

Deputy

EXHIBIT A

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

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Email Address(es):

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STATE OF NEW MEXICO)

) ss.

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☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, *(used when the Defendant is not presently at place of abode)* and by mailing by first class mail to the Defendant at _____ *(insert Defendant's last known mailing address)* a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ *(insert Defendant's business address)* and by mailing the Summons and Complaint by first class mail to the Defendant at _____ *(insert Defendant's last known mailing address).*

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ *(used when Defendant is a minor or an incompetent person).*

☐ TO _____ *(name of person),* _____, *(title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: _____

Signature of person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2014.

Notary Public

My Commission Expires:

STATE OF NEW MEXICO
SAN MIGUEL COUNTY
FORUTH JUDICIAL DISTRICT COURT

BRIANA BRITO, on
behalf of herself and
all others similarly
situated,

Plaintiff,

v.

CASE NO.: D-412-CV-2014-00316

COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation;
COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES
CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL
HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM
MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL;
MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA
REGIONAL MEDICAL CENTER,

Defendants.

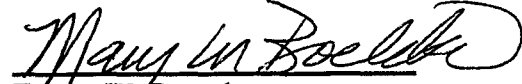
PLAINTIFF'S JURY DEMAND

COMES NOW, the Plaintiff by and through her attorneys of record, Branch Law Firm (Turner W. Branch, Margaret Moses Branch and Mary Lou Boelcke) in the above-entitled cause of action, and hereby demands trial by jury consisting of six (6) members.

Date: September 19, 2014

Respectfully submitted:

BRANCH LAW FIRM



Turner W. Branch
Margaret Moses Branch
Mary Lou Boelcke
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104
(505) 243-3500 Telephone

- f. Award restitution in an amount to be determined by an accounting of the difference between the price Plaintiff and the Classes paid in reliance upon Defendants' duty/promise to secure its members' Sensitive Information, and the actual services—devoid of proper protection mechanisms—rendered by Defendants;
- g. Award Plaintiff and the Classes their reasonable litigation expenses and attorneys' fees;
- h. Award Plaintiff and the Classes pre and post-judgment interest to the maximum extent allowable by law; and
- i. Award such other and further legal or equitable relief as equity and justice may require.

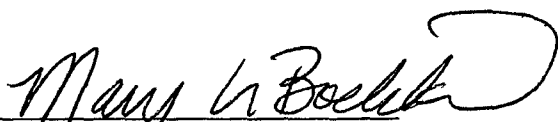
VIII. JURY DEMAND

97. Plaintiff demands a jury trial on all issues in this action.

Date: September 19, 2014

Respectfully submitted:

Branch Law Firm

By: 

Turner W. Branch
Margaret Moses Branch
Mary Lou Boelcke
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104
Phone (505) 243-3500
Fax (505) 243-3534

**STATE OF NEW MEXICO
SAN MIGUEL COUNTY
FOURTH JUDICIAL DISTRICT COURT**

BRIANA BRITO, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

CASE NO. D-412-CV-2014-00316

COMMUNITY HEALTH SYSTEMS,
INC., a Delaware Corporation;
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES
CORPORATION, a Delaware Corporation;
ALTA VISTA REGIONAL HOSPITAL;
CARLSBAD MEDICAL CENTER;
EASTERN NM MEDICAL CENTER;
MIMBRES MEMORIAL HOSPITAL;
MOUNTAINVIEW REGIONAL
MEDICAL CENTER; & LEA
REGIONAL MEDICAL CENTER,

Defendants.

PLAINTIFF'S NOTICE OF PEREMPTORY CHALLENGE

COMES NOW, the Plaintiff by and through her attorneys of record, Branch Law Firm (Turner W. Branch, Margaret Moses Branch and Mary Lou Boelcke) in the above-entitled cause of action, and pursuant to the New Mexico Rules of Civil Procedure, Rule 1-088.1 NMRA

(2014) peremptorily disqualifies the Honorable Matthew J. Sandoval from adjudicating the above captioned cause.

Date: September 26, 2014

Respectfully submitted:

BRANCH LAW FIRM

/s/ Margaret M. Branch

Turner W. Branch

Margaret M. Branch

Mary Lou Boelcke

2025 Rio Grande Blvd. NW

Albuquerque, NM 87104

(505) 243-3500 Telephone

9/26/2014 2:52:42 PM

DB

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
FOURTH JUDICIAL DISTRICT

No. D-412-CV-02014-00316

BRIANA BRITO,
Plaintiff,

-13-

COMMUNITY HEALTH SYSTEM, INC., et al.,
Defendant(s).

NOTICE OF JUDGE REASSIGNMENT

The above-referenced cause has been reassigned to the Honorable Gerald E. Baca, District Judge, Division I, effective September 26, 2014 due to the:

- ☐ Recusal
☒ Peremptory Challenge/Excusal
☐ Excusal for Cause
☐ Administrative Order dated _____

of the Honorable Matthew J. Sandoval, District Judge, Division III.

ANNA M. LUJAN
COURT ADMINISTRATOR

BY: **CERTIFICATE OF SERVICE**

Copies of this Certificate were provided to the ☒ attorneys ☐ parties
this 26th day of September, 2014 by ☐ Fax ☒ E-filing ☐ Mail ☐ placed in bin.

ATTORNEY/PRO SE PLAINTIFF(S):
Margaret M. Branch, Esq. (E-file & Serve)


DEPUTY COURT CLERK

**STATE OF NEW MEXICO
SAN MIGUEL COUNTY
FORUTH JUDICIAL DISTRICT COURT**

**BRIANA BRITO, on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

CASE NO.: D-412-CV-2014-00316

**COMMUNITY HEALTH SYSTEMS,
INC., a Delaware Corporation;
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES
CORPORATION, a Delaware
Corporation; ALTA VISTA
REGIONAL HOSPITAL; CARLSBAD
MEDICAL CENTER; EASTERN NM
MEDICAL CENTER; MIMBRES
MEMORIAL HOSPITAL;
MOUNTAINVIEW REGIONAL
MEDICAL CENTER; & LEA
REGIONAL MEDICAL CENTER,**

Defendants.

**PLAINTIFF'S MOTION TO PERMIT
MICHAEL SLACK, PAULA KNIPPA & MARK D. PIERCE
TO APPEAR *PRO HAC VICE***

Turner W. Branch, a member of the bar in this Court and a Partner in the undersigned law firm, on behalf of Plaintiff Briana Brito as an individual and class representative, respectfully moves this Court for permission for Michael Slack, Paula Knippa and

Mark D. Pierce to appear *pro hac vice*. In support of this motion, Plaintiff's attorney states the following:

1. The undersigned attorney is a member of the bar of this Court.
2. Michael Slack and Mark Pierce are both partners in the law firm Slack & Davis, LLP, 2705 Bee Caves Road #220, Austin, Texas 78746, phone (512) 795-8686. Paula Knippa is an associate attorney at Slack & Davis, LLP.
3. All three attorneys are duly licensed attorneys in and by the State of Texas.
4. Slack, Pierce and Knippa are familiar with the subject matter of the case at bar and will be co-counsel in the above-captioned case with the Branch Law Firm. They will be working at various depositions, hearings, and at trial.
5. Slack, Pierce and Knippa have never been denied admission to the courts of any state or to any federal court.
6. Slack, Pierce and Knippa have never been subjected to any disciplinary action concerning their practice of law.
7. Slack, Pierce and Knippa will at all times abide by and comply with any Local Court Rules which have been or may be adopted for use in the Fourth District Court of New Mexico, to the extent they are applicable to this proceeding.
8. The required Certificate of Good Standing and applicable fee have been filed with the State Bar of New Mexico and are attached hereto.
9. Defendants have not yet filed an answer nor entered an appearance in this matter.

WHEREFORE, based on the above, Turner W. Branch requests that this Court permit Michael Slack, Mark D. Pierce and Paula Knippa to appear *pro hac vice* in the above-captioned matter on behalf of Briana Brito individually and as a class representative.

Respectfully submitted,

BRANCH LAW FIRM

By /s/ Turner W. Branch
Turner W. Branch, Esq.
Margaret Moses Branch, Esq.
Mary Lou Boelcke
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
Telephone: (505) 243-3500
Facsimile: (505) 243-3534
tbranch@branchlawfirm.com
mbranch@branchlawfirm.com
mlboelcke@branchlawfirm.com

I HEREBY CERTIFY that on the 7th day of October, 2014, a true and correct copy of the foregoing Motion was mailed via United States Postal Service First Class in care of the following::

CSC of Lea County
1819 N. Turner Street, Ste. G
Hobbs, NM 88240
Registered Agent for:
Alta Vista Regional Hospital
Carlsbad Medical Center
Community Health Systems, Inc.
Eastern New Mexico Medical Center
Lea Regional Medical Center
Mimbres Memorial Hospital
Mountainview Regional Medical Center

By Turner W. Branch
Turner W. Branch, Esq.

**STATE OF NEW MEXICO
SAN MIGUEL COUNTY
FORUTH JUDICIAL DISTRICT COURT**

**BRIANA BRITO, on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

CASE NO.: D-412-CV-2014-00316

**COMMUNITY HEALTH SYSTEMS,
INC., a Delaware Corporation;
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES
CORPORATION, a Delaware
Corporation; ALTA VISTA
REGIONAL HOSPITAL; CARLSBAD
MEDICAL CENTER; EASTERN NM
MEDICAL CENTER; MIMBRES
MEMORIAL HOSPITAL;
MOUNTAINVIEW REGIONAL
MEDICAL CENTER; & LEA
REGIONAL MEDICAL CENTER,**

Defendants.

**ORDER GRANTING MOTION TO PERMIT
MICHAEL SLACK, PAULA KNIPPA & MARK D. PIERCE
TO APPEAR *PRO HAC VICE***

On this date came on to be considered Plaintiff Briana Brito unopposed Motion to Permit Michael Slack, Paula Knippa and Mark D. Pierce to Appear *Pro Hac Vice* on the Plaintiff's and class' behalf. The Court finds that the Motion should be granted.

It is therefore ORDERED that the Motion and Application to Appear *Pro Hac Vice* shall be GRANTED.

It is further ORDERED that attorneys MICHAEL SLACK, PAULA KNIPPA, and MARK D. PIERCE shall be allowed to appear *pro hac vice* in this proceeding on behalf of Briana Brito as an individual and as class representative.

SIGNED AND ENTERED this 9th day of October 2014.

The Honorable Gerald E. Baca


District Court Judge

Submitted By:

BRANCH LAW FIRM

By /s/ Turner W. Branch
Turner W. Branch, Esq.
Margaret Moses Branch, Esq.
Mary Lou Boelcke
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
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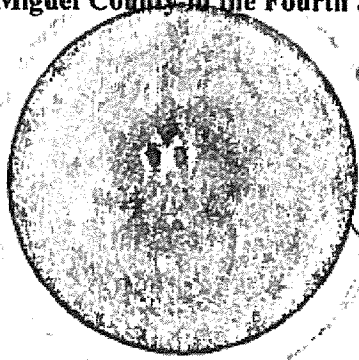
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: EASTERN NEW MEXICO MEDICAL CENTER Address: Eastern New Mexico Medical Center C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste. G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.



CLERK OF THE DISTRICT COURT

By:

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

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Email Address(es):

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RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

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☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Peron (name of person), PA (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Eastern NM Medical Center)

Fees: _____

Suzzy Green
Signature of person making service

SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

Janice A. Fagan
Notary Public

My Commission Expires: 8-26-2018

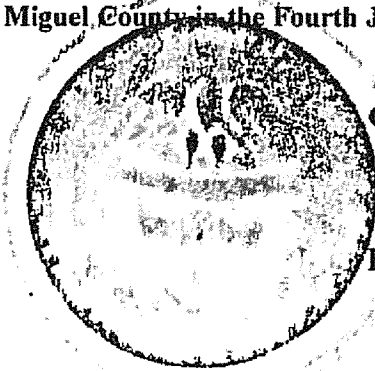
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION Address: Community Health Systems Professional Services Corporation C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste. G Hobbs, NM 88240

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7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County, in the Fourth Judicial District Court, New Mexico, this 26 day of Sept., 2014.



CLERK OF THE DISTRICT COURT

By:

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

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RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

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☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Pearson (name of person), PA (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Community Health Systems)

Fees

Suzy Green
Signature of person making service

SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

Janice A. Fagan
Notary Public

My Commission Expires:

8-26-2018

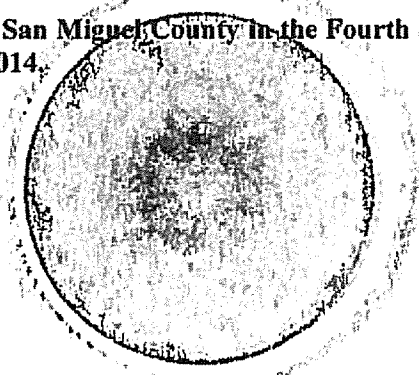
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: MOUNTAINVIEW REGIONAL MEDICAL CENTER Address: Mountainview Regional Medical Center C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.



CLERK OF THE DISTRICT COURT

By: 

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Reagan (name of person), PA (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Mountainview Regional Medical Center)

Fees:

Suzy Green
Signature of person making service

SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

James A. Reagan
Notary Public

My Commission Expires:

8-26-2018

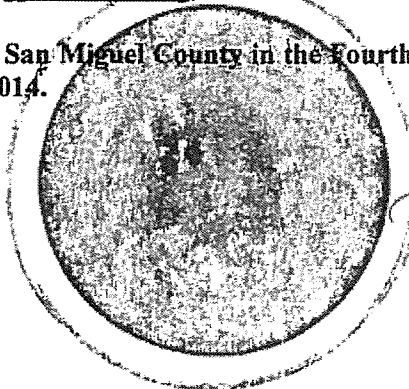
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: MIMBRES MEMORIAL HOSPITAL Address: Mimbres Memorial Hospital C/O Robert Montoya Risk Management Director 900 W. Ash Street Deming, NM 88030

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.



CLERK OF THE DISTRICT COURT

By: 

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Luna)

I, Robert Brown (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Luna County on the 29th day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Deb Paulk (name of person), Bisx Manager, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \$45.00

Robert Brown
Signature of person making service

SUBSCRIBED AND SWORN to before me this 29th day of Sept., 2014.

F. Estroin
Notary Public
My Commission Expires: 03-03-2015

SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: MIMBRES MEMORIAL HOSPITAL Address: Mimbres Memorial Hospital C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org, 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of

Sept, 2014.



CLERK OF THE DISTRICT COURT

By: 

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Reagan (name of person), PA, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Mimbres Memorial Hospital)

Fees: _____

Suzzy Green
Signature of person making service

SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

Amiee A. Reagan
Notary Public

My Commission Expires: 8-26-2018

SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: LEA REGIONAL MEDICAL CENTER Address: Lea Regional Medical Center C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste. G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
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5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.

CLERK OF THE DISTRICT COURT

By:

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

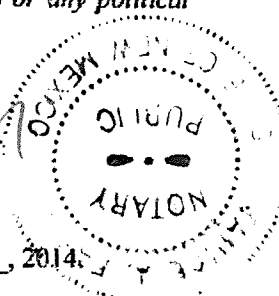
☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Melissa Uruiza ^{Aviles} (name of person), Secretary (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Lea Regional Medical Center)

Fees:

Suzy Green
Signature of person making service



SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

James D. Fagan
Notary Public

My Commission Expires: 8-26-2018

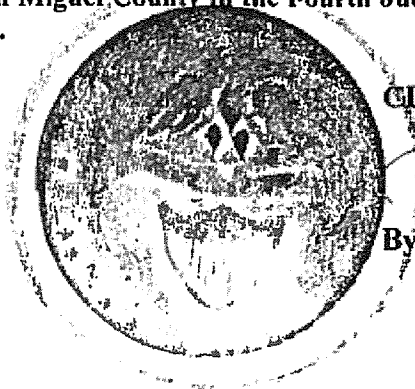
SUMMONS

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: CARLSBAD MEDICAL CENTER Address: Carlsbad Medical Center C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste. G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
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5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Sep 1, 2014. Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this *26* day of



CLERK OF THE DISTRICT COURT

By: *Brenda Sandoval*

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

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☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Reagan (name of person), PA, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Carlsbad Medical Center)

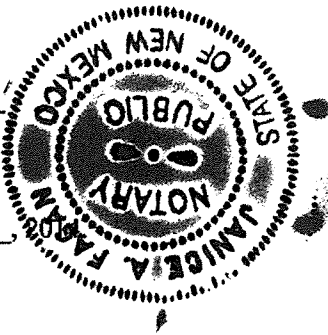
Fees

Suzy Green
Signature of person making service

SUBSCRIBED AND SWORN to before me this 30th day of September

Janice A. Fagan
Notary Public

My Commission Expires: 8-26-2018



SUMMONS

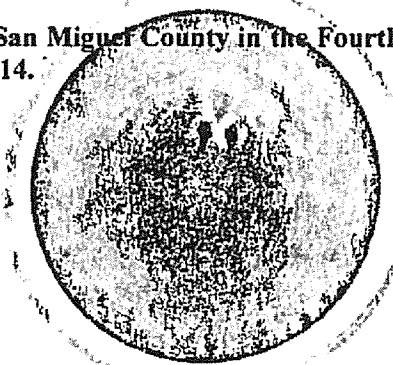
District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: ALTA VISTA REGIONAL HOSPITAL Address: Alta Vista Regional Hospital C/O Registered Agent CSC of Lea County 1819 N. Turner Street, Ste G Hobbs, NM 88240

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
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4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 29 day of

September, 2014.



Anna M. Lujan

CLERK OF THE DISTRICT COURT

By:

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF Lea)

I, Suzy Green (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in Lea County on the 29 day of September, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☐ to the Defendant _____ (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

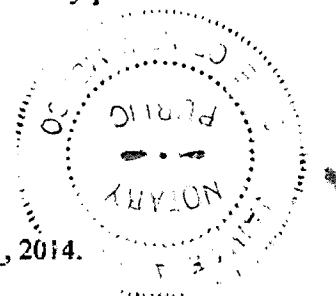
☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☒ TO Gary Don Regan (name of person), PA, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision). (Alta Vista Regional Hospital)

For

Suzy Green
Signature of person making service



SUBSCRIBED AND SWORN to before me this 30th day of September, 2014.

Janise S. Fagan
Notary Public
My Commission Expires: 8-26-2018

SUMMONS

MKM

District Court: FOURTH SAN MIGUEL County, New Mexico Court Address: 496 W. National Street Las Vegas, NM 87701 Court Telephone No.: (505) 425-9352	Case Number: D-412-CV-2014-00316 Judge: Honorable Matthew J. Sandoval
Plaintiff(s): BRIANA BRITO, on behalf of herself and all others similarly situated; vs. Defendant(s): COMMUNITY HEALTH SYSTEMS, INC., a Delaware Corporation; COMMUNITY HEALTH SYSTEMS PROFESSIONAL SERVICES CORPORATION, a Delaware Corporation; ALTA VISTA REGIONAL HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN NM MEDICAL CENTER; MIMBRES MEMORIAL HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL CENTER; & LEA REGIONAL MEDICAL CENTER,	Defendant: ALTA VISTA REGIONAL HOSPITAL Address: Alta Vista Regional Hospital C/O Lucille Victor Risk Management Director 104 Legion Drive Las Vegas, NM 87701

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657 or 1-505-797-6066.

Dated at San Miguel County in the Fourth Judicial District Court, New Mexico, this 26 day of Sept, 2014.

CLERK OF THE DISTRICT COURT

By: 

Deputy

BRANCH LAW FIRM

/s/ Margaret M. Branch

Signature of Attorney for Plaintiffs

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Mary Lou Boelcke, Esq.

2025 Rio Grande Boulevard, N.W.

Albuquerque, New Mexico 87104

Telephone No.: (505) 243-3500

Facsimile No.: (505) 243-3534

Email Address(es):

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

mlboelcke@branchlawfirm.com

**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.**

RETURN

STATE OF NEW MEXICO)

) ss.

COUNTY OF San Miguel)

I, Craig Martin (PRINTED NAME) swear or affirm that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in San Miguel County on the 29 day of Sept, 2014, by delivering a copy of this Summons, with a copy of the Complaint attached, in the following manner:

(Check one box and fill in appropriate blanks)

☒ to the Defendant Luaille Victor (Alta Vista Regional Hospital) (used when Defendant accepts a copy of Summons and Complaint or refuses to accept the Summons and Complaint and Discovery Requests).

☐ to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the Summons and Complaint on the Defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, (used when the Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at _____ (insert Defendant's last known mailing address) a copy of the Summons and Complaint and Discovery Requests.

☐ to _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailing by first class mail to the Defendant at _____ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at _____ (insert Defendant's last known mailing address).

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant _____ (used when Defendant is a minor or an incompetent person).

☐ TO _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

[Signature]
Signature of person making service

SUBSCRIBED AND SWORN to before me this 29th day of September, 2014.

Sharlett M. Martinez
Notary Public
My Commission Expires:

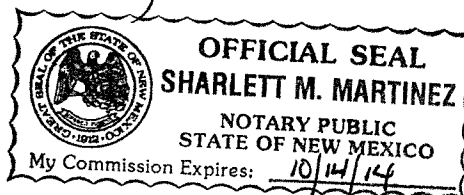


EXHIBIT A

STATE OF NEW MEXICO
SAN MIGUEL COUNTY
FOURTH JUDICIAL DISTRICT COURT

BRIANA BRITO, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

Case No. D-412-CV-2014-00316

COMMUNITY HEALTH SYSTEMS,
INC., a Delaware Corporation;
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES
CORPORATION, a Delaware
Corporation; ALTA VISTA
REGIONAL HOSPITAL; CARLSBAD
MEDICAL CENTER; EASTERN NM
MEDICAL CENTER; MIMBRES
MEMORIAL HOSPITAL;
MOUNTAINVIEW REGIONAL
MEDICAL CENTER; & LEA
REGIONAL MEDICAL CENTER,

Defendants.

NOTICE OF FILING NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on October 16, 2014, Defendant Community Health Systems Professional Services Corporation ("CHSPSC"), by and through its undersigned attorney, filed a Notice of Removal, pursuant to 28 U.S.C. §§ 1441, 1446 & 1453, in the United States District Court for the District of New Mexico, thereby removing this action. Accordingly, no further proceedings should be conducted in this matter in the

District Court of San Miguel County Court of the Fourth Judicial District Court of the State of New Mexico. A copy of CHSPSC's Notice of Removal is attached as Exhibit A.

Please take further notice that CHSPSC have given notice of the filing of the Notice of Removal to the plaintiff.

Dated this 16th day of October, 2014

MADISON & MROZ, P.A.

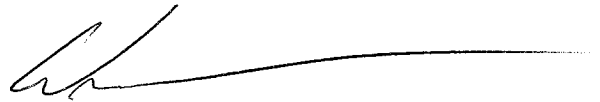


William C. Madison
Michael J. Dekleva
201 Third Street, N.W.
Albuquerque, NM 87102
Phone: 505-242-2177
Fax: 505-242-7184

*Attorneys for Community Health Systems
Professional Services Corporation*

I hereby certify that I have mailed
a true copy of pleading to the
following counsel of record on
this 16th day of October, 2014:

Counsel for Plaintiff Briana Brito
Turner W. Branch
Margaret Moses Branch
Mary Lou Boelcke
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104

A handwritten signature in black ink, appearing to read 'William C. Madison', is written over a horizontal line.

William C. Madison

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Civil Action No. _____

BRIANA BRITO, on behalf of herself and all others
similarly situated;

Plaintiff,

v.

COMMUNITY HEALTH SYSTEMS, INC., a Delaware
Corporation; COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES CORPORATION, a
Delaware Corporation; ALTA VISTA REGIONAL
HOSPITAL; CARLSBAD MEDICAL CENTER; EASTERN
NM MEDICAL CENTER; MIMBRES MEMORIAL
HOSPITAL; MOUNTAINVIEW REGIONAL MEDICAL
CENTER; & LEA REGIONAL MEDICAL CENTER,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453, Defendant Community Health Systems Professional Services Corporation ("CHSPSC") hereby removes this action from the Fourth Judicial District Court of the State of New Mexico, San Miguel County to the United States District Court for the District of New Mexico.

BACKGROUND

1. Plaintiff Briana Brito filed a civil class action complaint against Community Health Systems, Inc. ("CHSI"), CHSPSC, Alta Vista Regional Hospital, Carlsbad Medical Center, Eastern New Mexico Medical Center, Mimbres Memorial

Hospital, Mountainview Regional Medical Center, and Lea Regional Medical Center (collectively, “Defendants”) on September 19, 2014 in the Fourth Judicial District Court, San Miguel County, New Mexico, styled *Briana Brito v. Community Health Systems, Inc., et al*, Case No. D-412-CV-2014-00316 (the “State Case”). Plaintiff’s complaint (“Compl.”) is attached to this notice, along with the State Case filings (see ¶ 24, *infra*), as Exhibit A.

2. Plaintiff alleges that criminals originating in China hacked into Defendants’ computer systems and stole certain patient information. (Ex. A, Compl. ¶¶ 22-25.) She further alleges that she and a nationwide putative class of similarly situated persons “now face a substantial increased risk of identity theft” as a result of the theft. (*Id.* ¶¶ 12, 25, 34.)

3. Based on her alleged increased risk of identity theft, plaintiff brings claims for unjust enrichment, money had and received, breach of contract, negligence, negligence per se, breach of confidence/wrongful disclosure of confidential communication, and violation of the New Mexico Unfair Trade Practices Act. (*Id.* ¶¶ 43-95.) As damages, plaintiff seeks to recover “emotional distress” and alleged economic harm in the form of “loss of payment to Defendants[,] part of which was intended to pay for the administrative costs of data security . . . , diminution in the value of services provided, [] future expenses for credit monitoring,” and “consumer credit insurance to provide coverage for unauthorized use of Plaintiff’s personal information, medical information, and financial information.” (*Id.* ¶¶ 32, 96.c.iv.)

4. Plaintiff seeks to represent a nationwide class of “[a]ll individuals in the

United States that are current or former customers/patients of CHS and whose Sensitive Information was wrongfully accessed, copied, and transferred in the months of April 2014 to June 2014.” (*Id.* ¶ 34.)

GROUND FOR REMOVAL

5. The State Case is removable pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453. *See also Prime Care of Ne. Kan., LLC v. Humana Ins. Co.*, 447 F.3d 1284, 1285 (10th Cir. 2006) (“CAFA also added its own removal statute, permitting any defendant to remove a qualifying action without regard to the residence or consent of other defendants[.]”) (citing 28 U.S.C. § 1453(b)).

A. Removal is Timely.

6. Plaintiff’s complaint was filed in state court on September 19, 2014. (Ex. A, Compl. at 1.) CHSPSC was served on September 29, 2014. (*See* Ex. A, at pp. 78-80.)

7. Thus, CHSPSC’s Notice of Removal is timely filed within the 30-day window under 28 U.S.C. § 1446(b). *See Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348 (1999) (time period for removal begins when the defendant is served).

B. This Court Has Original Jurisdiction under CAFA.

8. This Court has original jurisdiction under 28 U.S.C. § 1332(d)(2) because: (1) the matter in controversy is a class action where a member of the putative class of plaintiffs is a citizen of a state different from a defendant; (2) the amount in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs; and (3) the number of members of the proposed plaintiff class in the aggregate is more than 100. 28 U.S.C. § 1332(d), *as amended by* The Class Action Fairness Act of 2005 (CAFA), Pub. L. No. 109-2, 119 Stat. 4.

1. Diversity of Citizenship.

9. Plaintiff seeks to represent a nationwide class that she approximates to include 4.5 million similarly situated individuals. (Ex. A, Compl. ¶¶ 25, 34, 37.) These individuals reside in 29 states across the country, and more than two thirds of them reside in states other than New Mexico. (Declaration of Andi Bosshart [“Bosshart Dec.”] at ¶ 4, attached as Exhibit B.)

10. Defendants CHSI and CHSPSC are Delaware corporations with their principal places of business in Tennessee. (Ex. A, Compl. ¶¶ 2-3.) Plaintiff alleges the remaining defendants are New Mexico corporations with their principle places of business in New Mexico. (*Id.* ¶¶ 4-9.)

11. Thus, minimal diversity exists because at least one plaintiff and at least one defendant are citizens of different states. *See* 28 U.S.C. § 1332(d)(2)(A); *Coll v. First Am. Title Ins. Co.*, 2008 WL 9093362, at *3 (D.N.M. Apr. 21, 2008) (“minimal diversity” requires “only that one plaintiff class member be diverse from one defendant”), *aff’d in part, remanded in part on other grounds*, 642 F.3d 876 (10th Cir. 2011). Nor could either of CAFA’s exceptions apply. *See* 28 U.S.C. § 1332(d)(3), (4). (*See also* Ex. B, Bosshart Dec. at ¶ 4.)

2. The Amount in Controversy is Satisfied.

12. Plaintiff’s nationwide putative class action complaint puts more than \$5,000,000 at issue in this case.

13. Plaintiff seeks to represent a putative class that she alleges consists of approximately 4.5 million people. (Ex. A, Compl. ¶¶ 25, 34, 37.) Thus, if plaintiff is seeking more than *one dollar and twelve cents* worth of damages on behalf of each

putative class member, the jurisdictional amount is satisfied.

14. At least three other putative nationwide class actions have been filed seeking certification of the same class. In each of these cases, the plaintiffs have alleged that the amount in controversy exceeds CAFA's jurisdictional threshold of \$5 million. (*See Alverson et al. v. Community Health Systems, Inc. et al.*, 2:14-cv-01630-KOB (N.D. Ala.), Second Amended Compl. ¶¶ 30 & 198, attached as Exhibit C; *Roman v. Community Health Systems, Inc. et al.*, 3:14-cv-01705-RDM (M.D. Pa.), Compl. ¶¶ 13 & 35, attached as Exhibit D; *Lawson et al. v. Community Health Systems, Inc. et al.*, 3:14-cv-00712-DPJ-FKB (S.D. Miss.), Amended Compl. ¶¶ 15 & 55, attached as Exhibit E.)

15. In this case, plaintiff seeks damages for herself and these 4.5 million other individuals for alleged “emotional distress” and “economic harm, including but not limited to: loss of payment to Defendants—part of which was intended to pay for the administrative costs of data security—because Defendants did not properly secure Brito’s personal and Sensitive Information, diminution in the value of services provided, and future expenses for credit monitoring.” (Ex. A, Compl. ¶¶ 32, 34, 37.) Plaintiff also seeks “consumer credit insurance to provide coverage for unauthorized use of Plaintiff’s personal information, medical information, and financial information.” (*Id.* ¶¶ 34, 37, 96.c.iv.) These damages aggregate to exceed \$5 million. *See* 28 U.S.C. § 1332(d)(6).

16. For instance, the three main national credit-reporting agencies, Equifax, TransUnion, and Experian, advertise monthly rates for credit-monitoring services ranging from \$14.95 to \$19.95 per person. (Ex. B, Bosshart Dec. at ¶¶ 7-8, Tab 1.)

17. Similarly, Experian offers an identity-theft protection product that

includes \$1 million worth of identity-theft insurance for 15.95 per month per person.

(*Id.* ¶¶ 9-11, Tab 2.)

18. Even if the cost of providing the requested credit-monitoring and identity-theft insurance services were measured by the cost of providing these services in bulk as opposed to the retail cost, which the plaintiff has not suggested in the complaint (*see* Ex. A, Compl. ¶ 32 (seeking “future expenses for credit monitoring”)), the cost of providing those services would still exceed the jurisdictional minimum. For example, CHSPSC offered one year of free credit-monitoring and identity-theft consultation and restoration services to any person impacted by the data theft through Kroll, which charged CHSPSC a negotiated bulk rate of \$4.47 per subscriber. (Ex. B, Bosshart Dec. at ¶¶ 12-13.)

19. Moreover, plaintiff’s complaint seeks punitive damages for herself and the putative class. (Ex. A, Compl. ¶¶ 49, 56, 68, 77, 90, 95, 96.d.) *See Frederick v. Hartford Underwriters Ins. Co.*, 683 F.3d 1242, 1246 (10th Cir. 2012) (“punitive damages may be considered in determining the requisite jurisdictional amount”). New Mexico courts have allowed punitive damages of more than seven times the compensatory damages. *See Allsup’s Convenience Stores, Inc. v. N. River Ins. Co.*, 976 P.2d 1, 18 (N.M. 1998) (holding that punitive damages award of \$4,000,000 to insured for breach of contractual duty did not violate due process and was not disproportionate to the \$540,000 in compensatory damages when carriers acted in bad faith).

20. Plaintiff also seeks “litigation expenses and attorneys’ fees.” (Ex. A, Compl. ¶¶ 95, 96.g.) *See Miera v. Dairyland Ins. Co.*, 143 F.3d 1337, 1339-40 (10th Cir.

1998) (“The Supreme Court has long held that when a statute permits recovery of attorney’s fees a reasonable estimate may be used in calculating the necessary jurisdictional amount in a removal proceeding based upon diversity of citizenship.”). The New Mexico Unfair Trade Practices Act permits an award of attorneys’ fees to a prevailing plaintiff. NMS § 57-12-10(C).

21. Accordingly, more than the \$5,000,000 amount in controversy required under CAFA, 28 U.S.C. § 1332(d)(2), is at issue here.

3. The Proposed Class Exceeds 100 Members.

22. Plaintiff alleges that her proposed class includes approximately 4.5 million people. (Ex. A, Compl. ¶¶ 25, 34, 37.) Thus, CAFA applies here. *See* 28 U.S.C. § 1332(d)(5)(B).

23. For all of these reasons, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(d) and this case is removable pursuant to 28 U.S.C. §§ 1441 & 1453. Removal to this Court is appropriate because this judicial district embraces the district and division in which this case was pending in state court. *See* 28 U.S.C. § 1446(a).

STATE COURT PLEADINGS AND NOTICE

24. Pursuant to 28 U.S.C. § 1446(a), copies of the current state court docket sheet, each pending motion, petition, and related response, reply, and brief (none are pending), and all process, pleadings, and orders served upon or otherwise obtained by CHSPSC in the state court are attached hereto as Exhibit A.

25. Pursuant to 28 U.S.C. § 1446(d), CHSPSC will provide written notice of the filing of this notice to all adverse parties and a copy of this notice will be filed with the Clerk of the Fourth Judicial District Court, San Miguel County, New Mexico.

WHEREFORE, CHSPSC respectfully removes the State Case to the United States District Court for the District of New Mexico.

Dated this 16th day of October, 2014



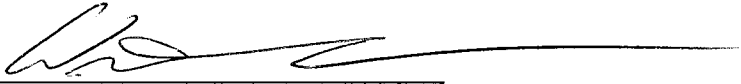
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Email: wcm@madisonlaw.com
mjd@madisonlaw.com

*Attorneys for Defendant Community
Health Systems Professional Services
Corporation*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL** was served via the Court's ECF system on this 16th day of October, 2014, to the following:

Counsel for plaintiff Briana Brito
Turner W. Branch
Margaret Moses Branch
Mary Lou Boelcke
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104



William C. Madison